

**Notice of Allowability****Application No.**

09/633,756

**Examiner**

Aaron W. Carter

**Applicant(s)**

DUVDEVANI ET AL.

**Art Unit**

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/14/06.
2. ☒ The allowed claim(s) is/are 1-8 and 34-38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 8/15/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

JINGGE WU  
PRIMARY EXAMINER

### **DETAILED ACTION**

1. This action is responsive to papers filed on 9/14/06.

#### ***Response to Amendment***

2. In response to applicant's amendment received on 9/14/06, all requested changes to the claims have been entered.

#### ***Response to Arguments***

3. Applicant's arguments, see Remarks, page 5, filed 9/14/06, with respect to claims 1 and 3 have been fully considered and are persuasive. The 35 USC 102 (b) rejection of claims 1 and 3 has been withdrawn.

#### ***Allowable Subject Matter***

4. Claims 1-8 and 34-38 are allowed.
5. The following is an examiner's statement of reasons for allowance:
6. As to claims 1 and 3, none of the prior art teach or fairly suggest the limitation of "representation of boundaries comprising **connected** reference vectors extending along said boundaries", in combination with the other limitations of the claims. The prior art of Tokita, already of record, discloses a representation of boundaries comprising reference vectors extending along said boundaries (Fig. 2 - 4, wherein the broadest reasonable interpretation of the

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claims limitation of “extending along the boundaries”, the prior art of Tokita discloses vectors extending along said boundaries in the (yj) direction, as seen in figures 2 and 4). However, Tokita does not teach or fairly suggest that representation of boundaries comprising **connected** reference vectors extending along said boundaries as disclosed in the limitations of claims 1 and 3.

7. As to claim 34 and as previously stated in the Office Action mailed on February 16, 2006, none of the prior art teach or fairly suggests the limitation of “a software candidate defect identifier operative to identify at least some candidate defects in the image, in software” in combination with the hardware defect identifier and other limitations of the claim. The prior art of Tokita discloses a system for image processing including a hardware candidate defect identifier operative to identify at least some candidate defects in the image, in hardware (column 4, lines 55-64 and Fig. 17, elements 9 and 10). However, Tokita does not teach or fairly suggest the limitation of a software candidate defect identifier as disclosed in claim 34.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

awc



JINGGE WU  
PRIMARY EXAMINER